

**UTAH DEPARTMENT OF TRANSPORTATION
Standard Request for Proposal
Project No. XXXXX / PIN XXXX**

(Rev. 11/20/12)

REQUEST FOR PROPOSAL

Construction Management/General Contractor (CMGC) Services

for

Project No. XXX
XXX

November XX, 2012

UTAH DEPARTMENT OF TRANSPORTATION
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Project No. XXXXX / PIN XXXX

SUMMARY SHEET

1. Project Number: XXXX
2. Location: XXXX
3. ePM PIN No.: XXXX
4. Requested Services: Construction Management/General Contractor (CMGC)
5. Source(s) of Funding for CMGC Contract: Federal/State
6. UDOT Project Administrator and Designated Point of Contact:

Michael Butler
Contract Administrator
(Consultant)
Utah Department of Transportation
Consultant Services
Box 148490, 4501 South 2700 West
Salt Lake City, Utah 84119-5998
801-965-4419 office
801-815-4367 cell
michaelbutler@utah.gov

7. UDOT Project Management:

XXXXX
Project Manager
Utah Department of Transportation
Region XXX
XXXXX
XXXXXX, Utah XXX
XXX-XXX-XXXX
XXXX@utah.gov

8. Advertisement Date: **XXXX**
9. Mandatory Pre-Proposal Meeting: **XXXX**.

A mandatory Pre-Proposal Meeting will be held on Wednesday, **XXXX**. The Pre-Proposal Meeting will be held from 3:30 p.m. – 5:30 p.m. The Pre-Proposal meeting will be held at the **XXXXXX**. **Sign-in and attendance at the Pre-Proposal Meeting is required in order to submit both a Technical and Price Proposal.**

10. Technical and Price Proposals Due Date: **Thursday, XXXX XXXX, 2013 by 11:00 a.m.**

Deliver **twelve (12)** hard copies along with **one (1)** electronic copy PDF file of the Technical Proposals and Excel file (as detailed in Appendix A Section 3) and **twelve (12)** hard copies along with **one (1)** electronic copy of the Price Proposal to the Utah Department of Transportation, Office of Consultant Services, 4th Floor south side, 4501 South 2700 West, Salt Lake City, Utah 84119-5998 to Michael Butler the Contract Administrator at michaelbutler@utah.gov, no later

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than **11:00 A.M. on Thursday XXXX XXXX, 2013**. Price Proposal must be submitted in a **sealed box/container separate from the Technical Proposals**.

Technical and Price Proposals will not be accepted after the 11:00 A.M. deadline.

11. Type of Proposal Required: In accordance with Utah Department of Transportation Guidelines for Preparing Proposal.

The Technical Proposal has a maximum page-limit of **XXXX** pages.
12. UDOT Technical Evaluation Team Meeting: **XXXX**
13. Anticipated UDOT Technical Evaluation Team briefing to CMGC Oversight Committee Meeting: **XXXX**
14. Contractor Debriefing Meetings: **XXXX**
15. Negotiation Meeting Date: **XXXX**
16. Notice to Proceed Date: **TBD**
17. Projected Dates:
 - a. **Construction Start: XXXX**
 - b. **Construction Completion: XXXX**

CMGC OVERSIGHT COMMITTEE

Name	Title	Organization
Nathan Lee	Region Director	UDOT Region 4
Randy Park	Director of Project Development	UDOT Project Development
Ahmad Jaber	Region Director	UDOT Director of Operations

TECHNICAL EVALUATION TEAM

Name	Title	Organization/Firm
XXXX	Project Manager	UDOT Region 4
XXXX	Resident Engineer	UDOT Region 4
XXXX	UDOT Structures	UDOT Project Development
XXXX	UDOT Construction	UDOT Project Development
XXXX	UDOT Construction	UDOT Project Development
AGC	AGC Representative	TBD
ACEC	ACEC Representative	TBD

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CONTRACTOR ANTICIPATED SELECTION SCHEDULE

XXXX	XXXX	Mandatory Pre-Proposal from 3:30 p.m. – 5:30 p.m.
XXXX	XXXX, 2012	Final RFCs due from Proposers by 6:00 p.m.
XXXX	XXXX, 2012	Department Responses to RFC by 6:00 p.m.
XXXX	XXXX, 2013	Technical & Price Proposals are due by 11:00 a.m.
XXXX	XXXX 1, 2013	UDOT Technical Evaluation Team Meeting
XXXX	XXXX, 2013	Technical Evaluation Team Briefing to CMGC Oversight Committee
XXXX	XXXX, 2013	Select Contractor
XXXX	XXXX, 2013	Negotiations Meeting
XXXX	XXXX, 2013	Contractor Debriefing

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Introduction to CMGC

CMGC is a contracting method that involves the Contractor in the design process. The focus of CMGC is to use the contractor's experience in small projects while still maintaining a fair price through open bidding. The selected contractor will partner with UDOT the owner and the designer working for UDOT. The focus is on a partnership in which we minimize risk, improve construction schedule, try new innovations, and stay within budget. An important role of the Contractor is to help acquire the information to reduce risk. Your involvement will help reduce errors in design, improve constructability and meet budget goals.

The CMGC team relies on the expertise of the Contractor to deliver a better product in less time and at a lower cost than design-bid-build construction processes. The team relies on the Contractor for the following expertise during the pre-construction phase:

- The skills and knowledge to estimate the quantities of materials, labor, and equipment needed for construction.
- The skills and knowledge to determine the tasks (work breakdown structure) needed to complete the Project and estimate the costs, duration, and sequence of these tasks.
- An understanding of the availability, cost, and capacities of materials, labor, and equipment.
- The skills and knowledge to identify potential risks (including financial risks) and methods to mitigate them during the design process.
- Provide information on constructability and provide other design input.

During the design process the Contractor works with the designer to:

- Identify and mitigate risks.
- Continually update the project estimate.
- Participate in formal reviews of the design at designated design milestones.
- Participate in risk analysis workshops at agreed-upon milestones.
- Continually provide informal input on constructability and cost as requested.
- Provide open-book examination of cost by UDOT, the project manager, and the designer.
- Prepare a cost proposal to UDOT with appropriate backup documentation to ensure the project stays with the cost that was presented during the selection process.

Because this approach encourages innovations and minimizes risk, the construction cost is expected to be less than a conventional design-bid-build project. The role of the contractor will be to construct the project within the cost proposed, help manage the budget, and propose solutions that will achieve the goal of staying within budget. If the project cannot be delivered within the allocated budget, UDOT retains the option to cancel the project, reduce the scope, or deliver the project by other means.

Early phasing may be considered for early procurement of long lead items or for long lead tasks that can be completed and turned over to another Contractor if the cost for construction is not accepted by UDOT. Early utility construction may be considered with the understanding that early phases are not

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a guarantee of selection for final construction. Early phases must be independent and severable from the final construction as determined by the Department. Final construction will not begin until design and right-of-way acquisitions are substantially complete.

RFP Dates

Contractors are required to meet the dates set for the pre-proposal meeting and negotiation meeting. Contractors are also required to meet the information submittal dates outlined in the summary sheet. Failure to meet these dates will result in the proposal being considered non-responsive.

Required Availability of Key Personnel

When Contractors list personnel in the *Project Team/Capability of the Contractor* section of the Proposal, the Contractor is agreeing to make the personnel available to complete work on the Contract at whatever level the Project requires. Personnel changes will be reviewed by UDOT's Project Manager to assure the replacement is equally qualified and has adequate experience. UDOT will only allow changes in key personnel when caused by circumstances outside the control of the Contractor (i.e. employee leaves employment with the Contractor). Changes in key personnel for the convenience or benefit of the Contractor will not be allowed. Key personnel will consist of the individuals presented in the proposal.

Applicable Federal and State Regulations

The Contractor shall conform to all applicable State and Federal regulations.

Debarment Certification

Federal and State regulations require certification by prospective participants (including contractors, subcontractors, and principals) as to current history regarding debarment, eligibility, indictments, convictions, or civil judgments. The selected Contractor will be required to certify in accordance with Contract Standard Terms and Conditions.

Authorization to Begin Work

Notice to Proceed will be issued by Consultant Services. There may be the option of an Early Notice to Proceed, at the Departments total discretion. In order to obtain an Early Notice to Proceed, the contractor will have to agree in writing to the following three stipulations:

- 1) the firm's representative will negotiate in good faith to sign the contract regardless of any issues that arise between the time of early notice-to-proceed and executing of the contract;
- 2) any disputes during the work occurring during the early notice-to-proceed phase will be handled pursuant to general UDOT specifications and the ultimate contract; and
- 3) payment will not be issued until after execution of a contract or modification.

An example of the pre-construction services contract is available for information at the following internet address: www.udot.utah.gov/go/csforms under "Contract Boilerplate - CMGC." Please review the example contract to help expedite the contract signing process.

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Required Proposal Contents

The Proposal from the Contractor should contain the information identified in the attached Utah Department of Transportation Guidelines for Preparing CMGC Proposal.

Proposal Evaluation Procedures

The Proposal will be evaluated by a Department CMGC Oversight Committee and Technical Evaluation Team as described in this document.

Conditions of Proposal

All costs related to the preparation of the Proposal are the sole responsibility of the Contractor.

Protected, Confidential and Proprietary Information

The Government Records Access and Management Act (GRAMA), Utah Code Ann., Subsection 63G-2-305, provides in part that certain records are protected if properly classified.

Proposers are responsible for determining which pages, if any, should be classified as protected under a Claim of Business Confidentiality, and are responsible for taking appropriate action to do so.

To protect information under a Claim of Business Confidentiality, the Proposer must:

(1) Provide a written Claim of Business Confidentiality at the time the information (proposal) is provided to the state; and

(2) Include a concise statement of reasons supporting the Claim of Business Confidentiality (Subsection 63G-2-305). See appendix E.

To ensure the information is properly protected, UDOT Consultant Services asks the Proposer to clearly identify in the Cover Letter and in the body of the proposal (by clearly marking the applicable pages as confidential) any specific information for which a Proposer claims business confidentiality protection as "PROTECTED".

Disposition of Proposals

Proposals and all materials submitted become the property of the Utah Department of Transportation, are treated as privileged documents, and are disposed of according to Department policies, including the right to reject all Proposals. Materials may be evaluated by anyone designated by the state as part of the proposal evaluation committee. Materials submitted may be returned only at the State's option.

The Technical Proposal of the successful Contractor shall be open to public inspection for a period of three years after award of the Contract. Proposals of Contractors who are not awarded Contracts shall not be open to public inspection and disposition of documentation will occur according to Department in accordance with State Code

Ownership of Documents

All ideas and plans proposed as part of this RFP process will become the property of UDOT.

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All tracings, bids, plans, manuscripts, specifications, data, maps, etc. prepared or obtained by the Contractor as a result of working on this Contract, shall be delivered to and become the property of the Department.

Pre-award Audit

In the event that a proposing Contractor has failed to pay UDOT monies due to the Department for over payment on past projects, UDOT has the right to reject and/or disqualify the company's Proposal. Disqualification will be based on the audit findings, determinations, and recommendations made by the Department's authorized agent.

Insurance Requirements

The selected Contractor or Joint Venture is required to provide the Department with Certificates of Insurance meeting the current guidelines within 14 days after notification of the selection. Current insurance requirements can be found at www.udot.utah.gov/go/csmanuals. The Contractor or Joint Venture is not required to provide Professional Liability insurance certificates.

Health Reform – Health Insurance Coverage in State Contracts Requirements

As required by UCA 72-6-107.5, effective July 1, 2009, UDOT will not enter into a contract of \$1,500,000 or more with a prime contractor/Joint Venture or \$750,000 or more with a sub-contractor without demonstration of compliance regarding the offering of "Qualified Health Insurance Coverage" to their employees. Prior to issuing a Notice to Proceed, the selected contract/Joint Venture must demonstrate compliance with the provisions of Administrative Rule R-916-5. A contractor's/Joint Venture's inability to adequately demonstrate compliance within 14 calendar days after notification of selection may be grounds for determining a Proposal non-responsive and UDOT moving on to negotiate with the new first-ranked responsive company.

Financial Screening

The Department requires Contractors or Joint Ventures to be financially screened with UDOT Consultant Services prior to performing work for UDOT. If a selected Contractor or Joint Venture has not been financially screened and approved within 14 days after notification of selection, the Contractor or Joint Venture may be disqualified from this Project.

Required Percentage of Work for Contractor or Joint Venture

The design phase work performed by the Contractor or Joint Venture must be valued at not less than **50%** of the total work, excluding specialized services, with its own staff. Specialized services are those services or items that are not usually furnished by a Contractor or Joint Venture performing the particular type of service contained in this RFP.

Organizational Conflicts and Ineligible Firms

The Contractor or Joint Venture will include a full disclosure of all potential organizational conflicts or interest in the Proposal.

By submitting its Proposal, each Contractor or Joint Venture agrees that, if an organizational conflict of interest is thereafter discovered, the Contractor or Joint Venture will make an immediate and full

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written disclosure to the Department that includes a description of the action that the Contractor or Joint Venture has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict or interest is determined to exist, the Department may, in its discretion, cancel the Contract. If the Contractor or Joint Venture was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to the Department, the Department may terminate the contract for default.

No firm that is ineligible for State contracts may be part of any Contractor or Joint Venture team. Each Contractor or Joint Venture is responsible for determining eligibility of its team members. In addition, the following firms participated in development of the RFP and may not be part of any Contractor's or Joint Venture's team: XXXXXXXX

Contractor and/or Corporate Logos or Branding

Contractor and/or corporate logos or branding identification may no longer be displayed in **public** documents or products produced for UDOT beginning July 1, 2005. It is UDOT's intent that Contractors should place identifying information, in text format, in appropriate places in documents. This requirement does not apply to Proposals. For specific questions or further guidance, please contact Gaye Hettrick, Consultant Services Manager, 801-965-4639 or ghettrick@utah.gov.

Bidding & Award of Construction Contract

Contractor will prepare and submit electronic bid documents per UDOT standard specifications and shall meet the requirements for Prequalification on projects valued at \$1,500,000.00 or greater including Status of Work under Contract limits.

Status Verification System

Pursuant to Utah Code § 63G-12-302 (Status Verification System) Contractors are required to use a Status Verification System. Proof of registration and participation must be provided to the Department prior to any Contract Notice to Proceed (NTP) associated with this procurement. **This includes NTP for the design phase contract.**

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**APPENDIX A – GUIDELINES FOR PREPARING A
PROPOSAL**

Introduction

These guidelines were developed to assist in preparation of a Proposal by Contractors for Construction Management/General Contractor (CMGC) services. Submitting a Proposal is the beginning of the selection process.

The purpose for these guidelines is to assure consistency in format and content in the Proposal prepared by Contractors and submitted to the Department.

Contact with UDOT during the Proposal Period

The Department will provide the RFP on a secure web-based project management site.

Rules of Contact

The following rules of contact shall apply during Contract procurement:

- The Proposers shall correspond with the Department regarding this RFP only through the Department's and Proposer's designated representatives;
- The Department will not be responsible for any oral exchange or any other information or exchange that occurs outside the official process specified herein.

Correspondence and Information

All comments, correspondence, or requests for clarification concerning the RFP must be in writing, and submitted by e-mail to the Department's Designated Point of Contact (**see UDOT Project Administrator and Designated Point of Contact, page 2**) no later than the date and time in the Contractor Selection Schedule table on Page 4 of the RFP.

The Department will not consider any correspondence delivered in any other way unless otherwise specified; except the Department may hold informational meetings or interviews with Proposers, as it deems necessary.

The Department will post Clarification Notices on the secured Web-based project management site (<http://eprpw.dot.utah.gov/applets-production/ProjectExplorer/ProjectExplorer.asp>) for questions received from Proposers and the answers given by the Department. The clarifications will not become a RFP requirement unless incorporated into the Contract by Addenda. Any clarification information that will modify the Contract will be published as an Addendum to the RFP.

Addenda

The Department reserves the right to issue Addenda at any time during the period of the procurement. Persons or firms that obtain the RFP from sources other than the Department bear the sole responsibility for obtaining any Addenda issued by the Department for the Project.

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Subscription to the UDOT Consultant Services Update Service

The Department recommends Contractors interested in Submitting a Proposal subscribe to the UDOT **Consultant Services** updates and **Bid and Itemized Notices for Contractors** services at <http://www.udot.utah.gov/go/subscriptionlist>.

If there are any changes affecting the Request for Proposal, notice will be sent out via an e-mail through the update service.

Proposal Sections

A separate Technical Proposal which should contain the following sections in the order listed:

Introductory Letter

1. Project Team/Capability of the Contractor
 - Resume Appendix (Description located under Project Team)
2. Project Approach
 - Project Phasing Model
3. Risk and Innovation Management

A separate Price Proposal which should contain the following sections in the order listed:

4. Contractor Price Submittal, Appendix D
5. Approach to Price Proposal
 - Detailed Price Description
6. Surety Company Bonding Information

Evaluation Criteria

The evaluation criteria are listed below in red.

Introductory Letter - The Introductory Letter should be addressed to:

Michael Butler
Contract Administrator
(Consultant)
UDOT Consultant Services
4501 South 2700 West
Salt Lake City, UT 84119-5998

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In one page, express your interest in the Project, state qualifications to do the Work, and recount any summary information on the Project team or your company that may be useful or informative to the Department.

Include the mailing address, e-mail address, office phone number, and cell phone number of the primary contact person for this Contractor selection process in the Introductory Letter.

Acknowledge receipt of any addenda to the RFP.

No evaluation points are assigned to this section and the Introductory Letter will not count as one of the allowed pages.

1 - Contractor Team - XX Points

The Technical Evaluation Team will consider how well the qualifications and experience of the members of the Project Team relate to the specific Project. The following information should be provided.

- Narrative describing how the experience of the proposed key members of the team meets the stated Project goals and Key Issues in Appendix C and how they will build a professional and collaborative Project Team.
- Project Team members' organizational chart including design and construction personnel.
- Discuss the qualifications and experience of the following Key Personnel. Correlate the qualifications and experience with the Project Organization and Related Experience Chart:
 1. Project Manager
 2. Construction Manager
 3. Lead Estimator
 4. Up to two other persons that the Proposer considers as key to the success of the Project
- Provide Resumes and two references of the Key Personnel in an appendix to the Technical Proposal. (The resumes are limited to 1 page maximum per person for #1, #2, and #3 listed above and ½ a page each for the two individuals on #4 above. The total of 4 pages of resumes will not be counted as pages in the Proposal.)
- Provide a spreadsheet list of similar design or construction projects your company and key personnel have completed during the last five years. The heading of the spreadsheet should include the following. (See sample Project Organization and Related Experience Charts available at <http://www.udot.utah.gov/go/csforms>. Note: Columns may be combined in order to meet the font size and margin requirements.)
 - Name of Contractors, Project Manager or Project Engineer
 - Year (Award of Contract and Completion Date)
 - Project Name
 - Project Location
 - Project Description
 - Cost performance – initial Bid, final cost, reasons for change
 - Client
 - Provide two reference contacts with telephone numbers. At least one reference should be the Project owner

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- Provide a narrative that describes successful methods, approaches, and innovations implemented on the listed projects.
- Discuss how your team will use CMGC in partnering to make the process successful. Be specific.
- The Department reserves the right to contact members of the Department in reference to all projects and personnel presented in the Contractor Team section. The Department may also contact any of the references listed in the resumes and Project Organization and Related Experience Chart.

2 - Project Approach – XX Points

The Contractor's response to this section needs to follow the information in Appendix C, Appendix D, and all other supplemental information provided as part of this RFP advertisement.

The Contractor should discuss their approach to the project in support of project goals and key issues identified in Appendix C. The Evaluation Team will score each Proposer's approach to the project in meeting these goals and key issues including any specific commitments made by their team that will assist in achieving goals. Commitments stated by the Contractor in the Technical Proposal, either during the design phase or the construction phase will be considered as a proposed course of action. Please provide the following information.

- Proposers are to discuss their approach to the project and how they will achieve project goals and address key issues. Describe any specific commitments by your team in meeting the project goals.
- Identify any risk mitigation or innovations that are a part of your approach and included in your price. Proposed risk mitigations or innovations that are not part of your approach or price should be addressed in the Risk and Innovation section of this RFP
- Describe the capabilities and resources that your company will bring into the design process and how these resources and capabilities will be beneficial in achieving project goals and key issues. The contractor narrative may also include discussion of any unique business advantage or construction methods that will benefit the project.
- Discuss your approach to support UDOT in working with other stakeholders as it applies to project goals and key issues. Discuss how your approach will help local governments, utility companies, adjacent property owners, and local businesses achieve their goals.
- Project Phasing Model: Decompose the project into independent severable tasks for which design can be completed and construction begin. This decomposition should include design, early procurement, preliminary construction schedule and other independent severable tasks that may be accomplished during design and construction. Identify tasks, sequencing, and schedule for each phase. This model is expected to provide details which give the team a foundation for considering design alternatives to support cost, schedule, and quality goals.
- In the model, propose a construction schedule that optimizes value to the project with a realistic view of known constraints. The schedule should minimize the duration of construction in the most cost effective manner, and avoid anticipated design completion dates. In a separate narrative, discuss factors that would affect schedule such as assumptions, outside constraints, seasonal work, materials, equipment and labor availability etc.

Note – the Contractor should avoid repeating the content of “Project Key Issues” and “Project Technical

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Information. Also note that the evaluation team scores are based on responses to the information requested. A non response will score zero.

3 - Risk and Innovation Management –XX Points

Risk Mitigation/Innovation Narrative – XX Points

The CMGC process is intended to eliminate or reduce risk and apply innovations. This will reduce the cost of construction and provide the best value to the public. Discuss in your proposal the process you will use to eliminate, and/or mitigate risk and apply innovation during the design phase. Discuss how you will track and report risk mitigation and innovation savings. Discuss how the Contractor will support the team during pre-construction and construction activities to achieve a favorable cost, including ways to bring the project costs down, and on a schedule that is better than traditional projects. UDOT's approach to risk management is to hold the risk contingency funding.

- Identify any additional risk mitigation or innovation, which will improve the project approach and were not included in the table below. These risk mitigations or innovation may have little or no cost benefits but assist in achieving the goals of the project.
- Discuss the contractor's past performance in mitigated risks on previous construction projects similar in size & complexity. Discuss how the past performance will benefit this project particularly in regards to scope, schedule, budget, quality, etc.

Risk and Innovation Matrix Table – XX Points

Identify the top 7 risks or innovations in the table below that the Contractor will help manage in design and construction. Identify Contractor projected cost or time savings. Do not include risk or innovation in the table that you cannot provide either a cost or schedule savings. In the second column for probable cost savings, identify what portion of the savings is construction cost savings and what portion is user cost savings.

- The evaluation of your response will be made using the information presented in the table below. The information in this ***table must stand on its own merit.*** This information is scored by the evaluation team before they see any proposals. The table columns can be as wide and deep as you need them to be. ***This table is not counted in the page count of your proposal.***
- The RFP will be advertised with an Excel document that will be used to present the needed information. **The table will be provided in the electronic version of the Technical Proposal as a separate file in Excel format and should not be resubmitted in written form as part of the technical proposal. Do not include any language or reference to the proposing Contractor within the table.**

Risk and Innovation Matrix:

Risk or Innovation Description	Probable Cost Savings of Risk Mitigation or Innovation	Probability of Occurrence	Cost Savings to the Project (Probable Cost Savings X Probability of Occurrence)	Schedule Impact to the Project (Days)	Summary of Implementation or Mitigation/Elimination plan

Analysis of risk and innovation will be done without regard to which contractor proposed the risk or

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innovation. Each item will be assessed for cost and probability of occurrence to establish their relative value.

A point will be given for each \$XX in savings. If more than XX points are achieved, the contractor with the most innovations savings will be awarded XX points and the other contractors' scores will be adjusted proportionally.

4 - Contractor Price & Approach to Price Submittal – XX Points

Contractor Price Submittal – XX Points

The Contractor's response to this section needs to follow the information in Appendix C and Appendix D and all other supplemental information provided as part of this RFP advertisement.

Provide a Construction Cost for the items in Appendix D based on the design, specifications, and information provided. The item costs need to be fully loaded to include direct cost, indirect costs, profit, overhead, and risk. Savings identified in your Risk and Innovation Matrix should not be deducted from your Price proposal. Risks and Innovations included in your Project Approach should be included in your price.

- The probability of achieving your proposed price is evaluated in your Approach to Price details.

Price will be rated according to the following guidelines:

- Your pricing for each item needs to be based on the total cost of each item including, direct and indirect costs associated with the item, profit, and risk. The expectation is that the Contractor delivers the project at the proposed prices or less with possible adjustments for owner directed changes and quantity adjustments that may occur during design.
- The price will be rated on a dollar value of **\$XX** per point up to but not exceeding 10 points with the low bid receiving the maximum points. Prices above the low bid will receive points less than the maximum at the rate of **\$XX** per point.

Approach to Price – XX Points

CMGC is an open book process where contractors provide a detailed breakout of costs throughout the design process. In Approach to Price the Department assesses the Contractor's ability to provide an open book of costs. Provide a detailed price breakdown to include the line items, quantities, and costs to support the Contractor's proposed Project Approach.

- Provide a detailed breakdown for each item in Appendix D including direct costs such as labor, equipment, material, trucking, etc, as well as indirect costs associated with the item, profit, and any other detailed costs used to develop a fully loaded cost for that item. It is important that the detailed breakdown for the item matches the unit price provided. A detailed output of your estimating software should satisfy this requirement. Provide a separate table of labor rates and equipment rates used on the project.

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- **Cost Estimating:** As the design progresses, the Contractor will assist the team in updating cost information to arrive at a Target Maximum Price (TMP) at the end of design. Describe the estimating process the Contractor will use to communicate the cost of each bid item, the innovation cost savings, and the cost of any risk. How will the Contractor communicate assumptions, risk, and innovation to the designer and the ICE?

The following instructions must be considered when estimating costs.

- In the design process and at the discretion of the project manager risk may be transferred to the contractor for specific bid items with a request for a lump sum price instead of a unit price.
- The Department expects the TMP and unit prices provided by the Contractor at the end of design to be less than or equal to the pricing provided in Appendix D of this proposal. Reductions in price may occur because of innovations and risk mitigation identified in design. Some increases may occur to bid items because of design decisions. Should this occur a comparison is made to the engineers estimate and the Independent Contractor Estimate prior to making an award decision.
- Profit and overhead are subject to the same market conditions as any other project. The Independent Cost Estimator (ICE) will provide a comparative price estimate at the end of design. The ICE will use existing market conditions for the construction estimate including current market conditions regarding profit and overhead rates.
- The price offered by the contractor at the end of design will go through a bid opening process where the contractor price at selection, the engineers estimate, and the ICE are used to evaluate the proposed construction price and make an award decision.

There is no page limit for your response to the price portion of the RFP.

5 - Surety Company Bonding Information – 0 points

Provide a letter from a surety company indicating that the Contractor is capable of obtaining Payment and Performance Bonds for at least **\$XX**. The surety submitting the letter must be a surety company or companies licensed by the State of Utah and listed in the current United States Department of the Treasury Circular 570 as acceptable sureties for the bond amount on Federal Bonds. Letters indicating “unlimited” bonding/security capability are not acceptable.

Performance and Payment Bonds will be required at the time the construction Contract is awarded. The final value of the Bonds will equal the negotiated amount of the construction Contract(s).

Format Requirements

It is very important that submittals be clear, concise, and in the recommended format so they may be evaluated in an objective manner by the Department’s Technical Evaluation Team.

- 1. Twelve (12) Hard Copies of the Technical Proposal separately bound** – Number sequentially from **one to twelve** on the upper right hand corner of the cover. Do not bind the Technical Proposal with the Price Proposal. Technical Proposals must include the following sections:

Introductory Letter

1. Project Team/Capability of the Contractor

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- a. Resume Appendix (Description located under Project Team/Capability of the Contractor)
2. Project Approach
3. Risk and Innovation Table and Descriptions with Excel File (only provided electronically)
2. **Twelve (12) Hard Copies of the Price Proposal separately bound** – Number sequentially from **one to twelve** on the upper right hand corner of the cover. Do not bind the Price Proposal with the Technical Proposal. Price Proposal must be submitted in a sealed box/container separate from the Technical Proposals must include the following sections:
 4. Contractor Price Submittal, Appendix D
 5. Approach to Price Proposal
 - a. Detailed Price Description
 6. Surety Company Bonding Information
3. **One (1) Electronic Copy PDF and Excel File on a CD Technical Proposal** – Labeled with the Contractor Name, Project Number, Project Location, PIN Number, and Submittal Due Date.
4. **One (1) Electronic Copy PDF on a CD Price Proposal** – Labeled with the Contractor Name, Project Number, Project Location, PIN Number, and Submittal Due Date.
5. **Color is allowed**
6. **8½" x 11" or 11" x 17" Page Sizes** – A page is defined as a single-sided 8.5" x 11" or 11" x 17" sheet that contains text, pictures, tables, graphs, charts, plan sheets, or any other graphics. **There is a limit of up to two 11" x 17" sheets which does not apply to the Contractor Price Submittal, Approach to Price Proposal & Surety Company Bonding Letter.**
7. **One (1") Margins** – Exceptions: Contractor Name/Logo and Page Headers/Footers may be within margin
8. **10 Pt Font and 12 Pt Line Spacing, Minimums** – The minimum font size is 10 point font or greater everywhere in the Proposals excluding drawings, graphs, matrices, and schedules. The minimum line spacing is 12 point.
9. **Related Project Organization and Experience Charts are required** – The sample *Project Organization and Related Experience Charts* are available at <http://www.udot.utah.gov/go/csforms>.
10. **Bind on 11" Left Side**
11. **10-Page Maximum** – The Technical Proposal has a maximum page limit of **10** pages.
12. **Front and Back Cover Pages are allowed** – Information on the front cover page is not restricted. Cover pages will not count towards the page maximum and will not be evaluated.
13. **Page and type face format requirements do not apply to the Approach to Price Proposal.**
14. **Resume Addendum Maximum** Limited to 5 resumes for a maximum total of **4** pages as detailed in Appendix A item #1 – Contractor Team

The Introductory Letter, Tab Pages, Contractor Price Submittal, Approach to Price Proposal, Surety Company Bonding Letter, Risk and Innovation Matrix, Resumes, and Cover Pages will not count towards the page maximum in #11 above.

Any additional Appendices or information provided by the Proposer but not requested by the Department will be removed from the Proposal by Consultant Services and returned to the Proposer, not to be reviewed by the Technical Evaluation Team.

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A maximum total of 100 points is available for the Proposal. A one-point penalty may be assessed by Consultant Services for each applicable violation of the above (#1 through #14). For #11 above, a three-point penalty may be assessed for each page over the page limit.

UDOT CMGC Oversight Committee

The CMGC Oversight Committee will consist of senior Department leaders or individuals that they assign.

UDOT Technical Evaluation Team

The Technical Evaluation Team may consist of members from UDOT, local governments, the contracting community and the engineering consultant community.

Requests for Clarification by the Technical Evaluation Team

The Proposer shall provide accurate and complete information to the Department. If information is not complete, the Department will either declare the Proposal non-responsive or notify the Proposer, who may be allowed to participate further in the procurement if all information required is provided within the timeframe established by the Department. Any insufficient and/or incomplete Proposals will be returned directly to the Proposer by the Department with notations of the insufficiencies or omissions and with a request for clarifications and/or submittal of corrected, supplemental, or missing documents. If a response is not provided, the Proposal may be declared non-responsive.

The Department may waive technical irregularities in the form of the Proposal that do not alter the quality of the information provided. The Department may, at its sole discretion, request clarifications and/or supplemental information from Proposers during the Proposal evaluation and Interviews process.

Selection Process

The Technical Evaluation Team will meet as a group to review the proposals. The Team will evaluate the proposals based on the evaluation criteria (See Appendix A, Evaluation Criteria). The Team will evaluate the Technical Proposals first and provide their scores to the CS Contract Administrator. Once all the proposals have been reviewed for the Technical scores, the team will then review all the Price Proposals. The Technical Evaluation Team will then discuss Technical and Approach to Price scores and arrive at final Team scores for those categories (See below, Team Scoring Process). The project will be awarded to the Proposer with the highest total score.

	Max. Points Available
Technical Score (Project Team / Capability of the Contractor; Project Approach; Construction Schedule, Design Support)	XX
Price Score (Contractor Price Submittal, Approach to Price Proposal)	XX
Total	100

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Team Scoring Process

During the Technical Evaluation Team meeting, Team members will discuss the Proposers' strengths and weaknesses in each scoring category and Team members will have the opportunity to adjust their initial individual scores, based on insights gained during the discussion, before the combined scores are unveiled. Once scores are unveiled, individual outlying scores (defined in this process as 1.65 standard deviations or greater above or below the average score) will be excluded from calculation of the Team's average score. Additionally, Team members with outlying scores for a particular proposer will have their scores for each Proposer in that scoring category excluded from the Team average. The remaining individual scores will be re-tallied and the resulting average will be the Team's final score, rounded to two decimal points.

Final Selection

The Technical Evaluation Team will provide a formal briefing and will seek concurrence of the selected proposer from the CMGC Oversight Committee. The presentation to the Oversight Committee will be blinded so the Committee does not know the proposers. The CMGC Oversight Committee will review the information provided by the Technical Evaluation Team to ensure consistency with the RFP and project goals. The UDOT Project Administrator will notify all proposers of the Technical Evaluation Team's decision.

Summary

The Proposal should be clear, concise, and it should provide the Department's Technical Evaluation Team members with an understanding of the Contractor Team ability to undertake and complete the proposed Project in a thorough and timely manner.

The Department reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement described above, including the right to not proceed with the procurement and/or the right to proceed in a different manner or on a different timeline than as described herein.

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APPENDIX B – CMGC PROCESS FOR CONSTRUCTION
(Process Description)

Designer and Contractor Design Project

The selected Contractor will be awarded a consulting Contract, prepared and administered by Consultant Services. The cost of the Contract will be based upon negotiated unit rates for key personnel and support staff identified on the Project team that will participate on the Project. The requirements will be identified in the Contract (further outlined in Appendix B). These requirements can include, but are not limited to:

- Constructability Reviews of the Design.
- Assistance in shaping the Project scope of work to identify the available budget.
- Assistance in improving Project schedule.
- Provide detailed cost estimates and cost estimate breakdowns of elements of the Work as the design is developed using open-book methods. As a minimum cost estimates will be provided at 30%, 60% and 90% design. These costs will be compared to the Engineers Estimate and the Independent Cost Estimate to resolve misunderstandings in quantities and sub components of each line item.
- Design reviews to ensure that the package is complete and without ambiguity.
- Finding design errors.

Language revision to Design Contract. Please see the Consultant Services website for the full contract template.

- **CERTIFICATION OF REGISTRATION AND USE OF EMPLOYMENT “STATUS VERIFICATION SYSTEM”:** The CONSULTANT certifies as to its own organization, under penalty of perjury, that the CONSULTANT has registered with and uses a “Status Verification System” to determine the work eligibility status of an employee hired on or after July 1, 2009, pursuant to Utah Code Ann. Section 63G-12-302. (This section was added 1/25/12.)

Contractor Submits Bid for Project (Early Procurement)

The Contractor may be asked to procure long lead materials such as bridge girders, retaining wall panels, piling, and other materials that may be in short supply or require longer than desired lead times from purchase to delivery. The Department may also procure through the Contractor such services as pavement cores, pipe videos, potholes, or other investigations to facilitate the design. The Department may choose to exercise this option if the early procurement saves significant construction time, money, or avoids potential delays once the Project begins, etc.

If the Department elects to use this early procurement option, it proceeds as follows:

- The Contractor will prepare a “bid” to supply the item(s) including all other costs associated with the procurement (such as transportation, storage, etc.). The bid is only for purchased items and should not include mobilization for construction or other unrelated costs.
- The Contractor will submit the “bid” through the UDOT Electronic Bid System (EBS). The Department will secure an independent cost estimate for the item(s). Upon opening the Contractor’s “bid” the Department will determine the acceptability of the “bid” by comparing it to state averages, the

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Contractor's initial price proposal, similar projects, the independent cost estimate and the engineer's estimate.

The Department personnel reviewing these costs may include: the Project manager, members of the design team, the resident engineer, an estimating consultant if hired, FHWA representatives, and staff from Project Development.

- If the prices are acceptable, the Department will prepare a construction Contract for these procurement services.
- If the prices are not acceptable, the Department may enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the items may be re-bid. If this is not successful, UDOT has the option to accept the offered price or to procure the items later as part of the bid process for the construction Project or by some other method.
- The construction Contract is prepared and executed to cover only the defined procurement services. Site preparation to support the procurement or additional procurement services may be made a part of this Contract.

Contractor Submits Bid for Project (Early Construction Contract)

If time and/or money can be saved by allowing the Contractor to start initial work prior to the completion of the total design package, the Department may ask the Contractor to prepare a lump sum or unit cost bid for all or a portion of the Work.

If the Department elects to use this contracting option, it proceeds as follows:

- The Department and the Contractor will agree upon a scope of work to accomplish in this phase of the Contract. The agreement may take the form of a set of plans or it may consist of something less formal such as sketches, drawings, or written descriptions. Both parties must agree that the scope of work is clear and unambiguous.
- The Contractor will prepare a "bid" to perform the agreed to scope of work.
- The Contractor will submit the "bid" through EBS. The Department will secure an independent cost estimate for the Work. Upon opening the Contractor's "bid" the Department will determine the acceptability of the "bid" by comparing it to state averages, the Contractor's initial price proposal, the independent cost estimate and the engineer's estimate.

The Department personnel reviewing these costs may include: the Project manager, members of the design team, the resident engineer, an estimating consultant if hired, FHWA representatives, and staff from Project Development.

- If the prices are acceptable, the Department will prepare a construction Contract for this portion of the Work. If a previous construction Contract had been entered into, a separate Contract may be prepared, or the work may be added to that Contract by supplemental agreement at the discretion of UDOT.
- If the prices are not acceptable, the Department may enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the work will be re-bid. UDOT has the option to accept the revised price or to terminate the CMGC process and procure the construction Project by some other method.

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Contractor Submits Bid for Project (Design is Complete)

When the Department, the designer, and the Contractor agree that the Project has been designed to a sufficient level of detail to allow the Contractor to accurately bid the Project, the following procedure will be used:

- The designer will produce a set of plans and specifications showing all work to be accomplished. The plans will also show all work accomplished under any previous Early Construction packages.
- The Contractor will prepare a “bid” to perform the work shown in the contract documents. The bid will be based on the initial proposed cost of the project along with the price of any agreed upon scope changes.
- The Contractor will submit the “bid” through EBS. The Department will secure an independent cost estimate for the Work. Upon opening the Contractor’s “bid”, the Department will determine the acceptability of the “bid” by comparing it to state averages, the Contractor’s initial price proposal similar projects, the independent cost estimate, and the engineer’s estimate.

The Department personnel reviewing these costs may include: the Project manager, members of the design team, the resident engineer, an estimating consultant if hired, FHWA representatives, and staff from Project Development.

- If the prices are acceptable, the Department will enter into a construction Contract. If a previous construction Contract had been entered into, a separate contract may be prepared, or the work may be added to that Contract by supplemental agreement at the discretion of UDOT.
- If the prices are not acceptable, the Department will enter into a process of risk identification that identifies price differences between the Contractor and the Independent Cost Estimate. Following the resolution of these risk issues, the project will be re-bid. UDOT reserves the right to accept the re-bid price or to terminate the CMGC process and procure the construction Project by some other method.

Contractor Builds Project

From this point forward, the Work proceeds in the same manner as a design-bid-build project as per the negotiated Contract. The profit and overhead proposed in the selection process does not supersede what is allowed by UDOT’s Standard Specifications.

Severability and Scope

The scope that is identified in this RFP is not guaranteed to be the scope that will be awarded at the time of the construction bid. As the Department works with the Contractor through the design processes, changes may be brought about that affect the overall scope of the project. The Department reserves the right to add to or delete scope elements as needed throughout the design process.

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APPENDIX C – SCOPE OF WORK

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Appendix D

Company

Name: _____

Date: _____

<i>Number</i>	<i>UDOT Item Number</i>	<i>Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Amount</i>
1						
2						
3						
4						
5						
6						
7						

Notes:

1. Please verify that your pricing details in the Approach to Price equal the amounts shown in Appendix D. Appendix D prices will take priority over the pricing details prices in the Approach to Price for purposes of scoring of the Contractor Price Submittal.

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APPENDIX E - CLAIM OF BUSINESS CONFIDENTIALITY

Claim of Business Confidentiality

Any person who provides to the Utah Department of Transportation a proposal (or information contained in any record) that he or she believes should be protected under UCA Subsection 63G-2-305 (1 - 4) shall provide with the proposal a written claim of business confidentiality and a concise statement of reasons supporting the claim of business confidentiality. The guidelines used by the Utah Department of Transportation to grant business confidentiality are as follows:

- Trade secrets – if the submitted information includes a formula, pattern, compilation, program, device, method, technique, or process, that has actual or potential value by its non-disclosure to the general public, and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy;
- Commercial information or non-individual financial information- if the submitted information contains commercial information or non-individual financial information the disclosure of which could reasonably be expected to result in unfair competitive injury to the person submitting the information, or would impair the ability of the Utah Department of Transportation to obtain necessary information in the future, and the person submitting the information has a greater interest in prohibiting access than the public in obtaining access.

I, _____ do hereby claim that the pages identified below, which are contained within this submission as required by the Utah Department of Transportation are confidential.

Signature _____ Date _____

The following pages of this Proposal are Protected under a Claim of Business Confidentiality: